

9-28-04

3634
IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Erik Paiste et al.
SERIAL NUMBER: 10/050,899
FILING DATE: January 16, 2002
FOR: Display Arm for Cymbal
GROUP ART UNIT: 3634
ATTORNEY DOCKET NO.: 272318.00010

U.S. Patent and Trademark Office
220 20th Street South
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

REPLY TO INTERVIEW SUMMARY

This is in reply to the Interview Summary dated August 26, 2004.

1. In response to the inquiry by the Examiner, Applicant provides the following status of App. Ser. No. 10/050,899 ('899 application) and the related Continuation-in-Part App. Ser. No. 10/883,000 ('000 application).

/ 2. The '899 application received a Final Office Action on December 31, 2003. On February 27, 2004, Applicant filed an Amendment B seeking to bring the claims into a condition for allowance.

3. On March 30, 2004, the Examiner issued an Advisory Action indicating that Amendment B would not be entered because it raised new issues requiring further consideration.

4. On June 30, 2004, Applicant filed a Petition seeking a three month extension of time in which to respond to or take further action with respect to the

Examiner's Office Action of December 31, 2003. Concurrently with the Petition, Applicant filed a continuation-in-part application ("CIP"). The utility application transmittal Applicant filed with the application is submitted as Exhibit A. The transmittal indicates the application was filed as a Continuation-In-Part of the '899 application.

5. On August 4, 2004, Examiner Khoa Tran informed Applicant's Counsel, via telephone, that the CIP application filed on June 30, 2004 had been erroneously treated as an after final amendment. Examiner Tran further advised that a corrected CIP transmittal was needed in addition to a filing fee for the CIP.

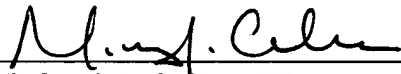
6. After the Examiner's telephone call of August 4, 2004, applicant received an Official Filing Receipt and Notice to File Missing Parts in relation to Applicant's CIP. The filing receipt, a copy of which is attached as Exhibit B, indicates that the application was awarded App. Ser. No. 10/883,000 and has been given a filing date of June 30, 2004. By way of the Notice to File Missing Parts, Applicant has until October 16, 2004, in which to pay the statutory basic filing fee and provide an oath or declaration.

7. Applicant is in the process of gathering the needed declaration and will submit the filing fee along with the declaration.

8. Nonetheless, in response to the Examiner's inquiry, if it is still necessary to pay the filing fee at this time, the fee may be charged to the deposit account noted below. Otherwise, applicant will file the fee along with

the declaration in response to the Notice to File Missing Parts.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

By: 
Michael J. Colitz, III
Registration No. 37,010
Holland & Knight LLP
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Telephone: 813/227-8500
Facsimile: 813/229-0134

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via First Class Mail, postage prepaid to: U.S. Patent and Trademark Office, 220 20th Street South, Customer Window, Crystal Plaza Two, Lobby, Room 1B03, Arlington, V.A. 22202 on this the 24th day of September, 2004.


Michael J. Colitz, III

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	272318.00015
First Inventor	Erik Paiste
Title	Display Arm for Cymbal
Express Mail Label No.	ER551539416

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 19]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Sheets]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No. 10/050,899

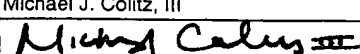
Prior application information:

Examiner Tran, KhoaArt Unit: 3634

For CONTINUATION OR DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number: OR ☐ Correspondence address below

Name	Michael J. Colitz, III				
Address	Holland & Knight LLP				
	100 N. Tampa St., Suite 4100				
City	Tampa	State	FL	Zip Code	33602-3644
Country	US	Telephone	813/227-8500	Fax	813/229-0134
Name (Print/Type)	Michael J. Colitz, III		Registration No. (Attorney/Agent)	37,010	
Signature			Date	06/30/04	

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT "A"



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/883,000	06/30/2004	3634	0.00	272318.00015	4	7	3

Michael J. Colitz, III
 Holland & Knight LLP
 Suite 4100
 100 N. Tampa St.
 Tampa, FL 33602-3644

CONFIRMATION NO. 3019

FILING RECEIPT



OC000000013545622

Date Mailed: 08/16/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Erik Paiste, Yorba Linda, CA;
 Steve Ziolkowski, Glendora, CA;

Domestic Priority data as claimed by applicant

This application is a CIP of 10/050,899 01/16/2002
 which claims benefit of 60/261,992 01/16/2001

Foreign Applications

If Required, Foreign Filing License Granted: 08/14/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Display arm for cymbal

EXHIBIT "B"

Preliminary Class

211

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

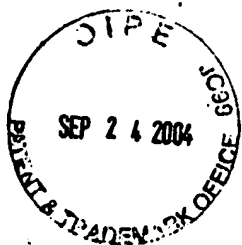
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



EXPRESS MAIL CERTIFICATE

"EXPRESS MAIL" MAILING LABEL NUMBER: ER 965764979

DATE OF DEPOSIT: 09/24/04

File No. 272318.00010

I HEREBY CERTIFY that the enclosed Reply to Interview Summary and return receipt postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated and is addressed to U.S. Patent and Trademark Office, 220 20th Street South, Customer Window, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

Michael J. Colitz, III